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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(TRENTON)**

-----X
COLTON G. RUGGIERI,

Plaintiff,

Civil Action No.: 21-cv-12052

-against-

COMPLAINT

CORPORAL MICHAEL DEUTCHMAN,
individually, and POLICE OFFICER JAMES
BOYLAN, individually,

Defendants.

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Plaintiff, Colton G. Ruggieri, by way of Complaint against the Defendants, alleges:

JURISDICTION AND VENUE

1. The jurisdiction of this Court is invoked pursuant to 42 U.S.C. § 1983. This Court has jurisdiction over Plaintiff's federal civil rights claim pursuant to 28 U.S.C. § 1331 and § 1343.

2. Venue is proper under 28 U.S.C. § 1391 because the events giving rise to Plaintiff's claim occurred in this District and the parties reside in this District.

PARTIES

3. Plaintiff, Colton G. Ruggieri, is a resident of Freehold, County of Monmouth, State of New Jersey.

4. At all times relevant to this Complaint, Defendant James Boylan was a police officer employed by the Township of Franklin and acting in the course of his employment and under color of state law. He is sued in his individual capacity.

5. At all times relevant to this Complaint, Defendant Corporal Michael Deutchman was a police officer employed by the Township of Franklin and acting in the course of his employment and under color of state law. He is sued in his individual capacity.

FACTS

6. On May 16, 2019, Defendant Police Officer James Boylan issued two traffic tickets to Plaintiff Colton Ruggieri, the first for alleged careless driving in violation of N.J.S.A. § 39:4-97 and leaving the scene of an accident in violation of N.J.S.A. § 39:4-129, arising out of an alleged motor vehicle accident that occurred on May 2, 2019 at approximately 9:17 a.m. at or near the intersection of of Easton Avenue and Walnut Avenue, in Somerset, New Jersey (the “Motor Vehicle Accident”).

7. Officer Boylan initiated criminal proceedings against Plaintiff by issuance of the two traffic tickets on May 16, 2019, and summoned Plaintiff to appear in the Franklin Township Municipal Court on June 18, 2019.

8. Defendant Corporal Michael Deutchman authorized and approved Officer Boylan’s issuance of the two traffic tickets to Plaintiff.

9. Officer Boylan authored a New Jersey Police Crash Investigation Report concerning the Motor Vehicle Accident on or about May 2, 2019, and Defendant Corporal Michael Deutchman reviewed and authorized filing of Officer Boylan’s report.

10. Officer Boylan investigated the Motor Vehicle Accident, and interviewed Kevin C. Mack (“Mack”), the driver of one of the involved vehicles.

11. Officer Boylan reported that Mack reported to police that his white 2015 Nissan Altima was struck in the rear by another vehicle, and the vehicle that struck his Nissan left the scene of the accident and drove away south bound on Easton Avenue.

12. Officer Boylan further reported that Mack advised that the vehicle that struck his Nissan Altima was a black Audi that Mack believed to have a New Jersey license plate beginning with “L9”.

13. Officer Boylan further reported that Mack advised that the driver of the black Audi with New Jersey license plate beginning “L9” was a white, middle aged male with light blonde hair.

14. Officer Boylan further reported that Mack called Franklin Township police dispatch and reported the license plate of the vehicle that struck him to be “L97KTT”.

15. Officer Boylan reported that New Jersey license plate L97KTT came back as registered to a blue Nissan.

16. Officer Boylan reported that “[a]nother NJ REG was later found better matching the description. NJ REG: L97KKT...”

17. As of May 2, 2019, Plaintiff leased a black 2015 Mercedes Benz GLA bearing New Jersey license plate L97KKT.

18. On May 2, 2019, Plaintiff drove his 2015 Mercedes Benz GLA bearing New Jersey license plate L97KKT to the Jersey Strong gym located at 3681 U.S. 9 in Freehold, New Jersey. Plaintiff worked out at the gym from approximately 8:55 a.m. to 10:15 a.m.

19. Plaintiff was never present in Somerset or Franklin Township on May 2, 2019, and his vehicle was not present in Somerset or Franklin Township on May 2, 2019.

20. Plaintiff, nor his 2015 Mercedes Benz vehicle, were involved in the Motor Vehicle Accident, or any motor vehicle accident on May 2, 2019.

21. Defendants did not receive and/or develop any information from any source identifying Plaintiff as the driver of a vehicle involved in the Motor Vehicle Accident.

22. Defendants did not receive and/or develop any information from any source identifying Plaintiff's 2015 Mercedes Benz as being involved in the Motor Vehicle Accident.

23. Despite Plaintiff never driving or being present in Somerset or Franklin Township on May 2, 2019, and despite Plaintiff not being involved in the Motor Vehicle Accident, and police failing to develop any information that incriminated Plaintiff Defendants maliciously prosecuted him by initiating criminal proceedings against him by issuance of the traffic summons on May 16, 2019.

24. Defendants lacked probable cause to issue the traffic summonses to Plaintiff.

25. Defendants initiated prosecution without probable cause to believe Plaintiff was involved in the Motor Vehicle Accident.

26. The charges were improper, had no basis in fact, and were not supported by probable cause.

27. As a result, Plaintiff suffered a loss of liberty by virtue of being summoned to answer the improper traffic tickets in Franklin Township Municipal Court.

28. Plaintiff appeared in the Franklin Township Municipal Court to answer the summonses on August 13, 2019.

29. On or about August 13, 2019, the charges against Plaintiff were entirely dismissed and the dismissal constitutes a termination of the proceedings in Plaintiff's favor.

COUNT ONE
42 U.S.C. § 1983
MALICIOUS PROSECUTION AGAINST DEFENDANTS
BOYLAN AND DEUTCHMAN

30. Plaintiff repeats and realleges each of the preceding paragraphs as if set forth at length herein.

31. Defendants Boylan and Deutchman caused Plaintiff to be maliciously prosecuted, in violation of Plaintiff's rights guaranteed under the Fourth Amendment to the United States Constitution and applicable to the States by way of the Fourteenth Amendment.

32. This prosecution was malicious as Defendants lacked probable cause to initiate criminal proceedings against Plaintiff, and the proceedings terminated in favor of Plaintiff.

33. As a direct and proximate cause of Defendants' actions, Plaintiff sustained damages, including but not limited to deprivation of liberty, emotional distress, pain and suffering, and attorneys' fees and will continue to incur same.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff seeks relief and judgment against the Defendants, including but not limited to:

1. An award of compensatory damages and punitive damages based on the intentional and malicious acts of Defendants;
2. An award of reasonable attorneys' fees pursuant to 42 U.S.C. § 1988, and costs of suit and interest thereon; and
3. Any other award and equitable relief allowed under statute or pursuant to law or the equitable and just powers of the Court to which Plaintiff is entitled.

JURY DEMAND

Plaintiff demands trial by jury of all issues in this action.

DESIGATION OF TRIAL COUNSEL

Plaintiff designates Sonya M. Sumner, Esq., as trial counsel in this matter.

Dated: June 2, 2021
Robbinsville, New Jersey

SUMNER LAW LLP

A handwritten signature in cursive script, reading "Sonya M. Sumner", is written over a horizontal line.

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